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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------|------------------|
| 10/050,203 | 01/16/2002 | Gregory J. Sesselmann | 073328-0122 | 6810 |
| 26371 | 7590 | 11/17/2005 | EXAMINER | |
| FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308 | | | MAI, TRI M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3727 | |

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,203

Applicant(s)

SESSELMANN, GREGORY J.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 2-9 and 29-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 10-28 and 49-61 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 06/06/03; 05/26/02; 12/17/04
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

04/18/05, 06/24/05
05/01/05

DETAILED ACTION

1. The specification is objected to. The drawings of Figs. 6-8 are not discussed in the specification.
2. Claims 1, 10-28, and 49-61 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 5539930. Although the conflicting claims are not identical, they are not patentably distinct from each other because It would have been obvious to one of ordinary skill in the art to eliminate the article of clothing and other limitations when they are not needed to provide an accessory device as claimed.
3. Claims 1, 15, 49, and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Neal et al. (5129735). Neal teaches a storage device having a carbon layer 22 to absorb odors of the articles stored inside the storage device as claimed.
4. Claims 14, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal. It would have been obvious to one of ordinary skill in the art to provide the amount of carbon as claimed to provide the desired amount of carbon for absorbing odor.
5. Claims 1, 11, 15-18, 49, 50, 55-56, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Brooker et al. (4797318). Brooker teaches a storage device having a base layer incorporating activated carbon (see abstract; col. 5, ln. 36).

Regarding claim 17-18, note the teaching (col. 6, ln. 55-60).

6. Claims 1, 14-18, 49-50, 53-56, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daley (3200427) in view of Pontius (5022553). Daley teaches a storage device having a layer 25 of odor counteracting material (col. 3, ln. 15). It would have been

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obvious to one of ordinary skill in the art to provide have the pad 25 be impregnated with activated carbon material in Daley as taught by Pontius to provide the desired means for eliminate foul odor.

It would have been obvious to one of ordinary skill in the art to provide the amount of carbon as claimed to provide the desired amount of carbon for absorbing odor.

7. Claims 1, 10-28, and 49-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al. (2959789) in view of anyone of Langston (GB 2207390), or Winfield (Technical Bulletin Sar-3), or Arons et al. (4217386) or in the alternative, over anyone of Langston, or Winfield, or Arons et al. in view of Mills. Mills et al. teaches an article of a duffle bag. Mills meets all claimed limitations except for the material having a layer of activated carbon. Anyone of Langston, or Winfield, or Arons teaches that it is known in the art to provide a material containing an absorbing layer of carbon. It would have been obvious to one of ordinary skill in the art to provide the material having a layer of activated carbon in Mills as taught by anyone of Langston, or Winfield, or Arons to provide the desired material for the article.

In the alternative, it would have been obvious to one of ordinary skill in the art to use the material of anyone of Langston, or Winfield, or Arons to provide the article of Mills to have the appropriate use of the fabric.

With respect to the camouflage color scheme, it would have been obvious to one of ordinary skill in the art to provide a camouflage color scheme in a hunting environment. It would have been obvious to one of ordinary skill in the art to provide a camouflage color scheme in Mills to enhance hunting.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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